

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:17-cr-00293-BSM

MARCUS MILLSAP

DEFENDANT

ORDER

Marcus Millsap's motion to correct the judgment [Doc. No. 2810] is granted. The language "Credit for time served" in the judgment was intended to recommend that Millsap receive credit for all of the time he was incarcerated for the instant offense pretrial and post conviction until sentencing. Doc. No. 2772. Therefore, Federal Rule of Criminal Procedure 36 permits this clarification. *See United States v. Tramp*, 30 F.3d 1035, 1037 (8th Cir. 1994). An amended judgment accompanies this order.

This ruling does not shorten Millsap's life sentence by recommending credit for his incarceration prior to sentencing. *Duncan v. Alabama*, 502 F.2d 571, 573 (5th Cir. 1974) ("The credit for time served by a life-termer will not shorten his life sentence"); *see also Wilson v. North Carolina*, 438 F.2d 284, 286 (4th Cir. 1971) (same).

IT IS SO ORDERED this 16th day of November, 2023.


UNITED STATES DISTRICT JUDGE